

Appl. No. : 09/976,679
Filed : October 12, 2001

REMARKS

The following remarks describe Applicants' response to the Examiner's Restriction Requirement and also describe amendments to Claims 4, 5 and 20.

Restriction Requirement

In response to the Restriction Requirement mailed September 10, 2003, Applicants hereby provisionally elect the embodiments of Figures 6 and 7 (identified as species No. 1) for prosecution on the merits. Applicants submit that at least Claims 1-2, 4, 7-9, 17-19, 21 and 24 are readable on the elected embodiments.

Applicants respectfully traverse the requirement for election between the species identified as Nos. 1-2, 6 and 7. In particular, species Nos. 1-2, 6 and 7 each relates to a medical device comprising an elongate tubular body (e.g., see element 22), an inner wire (e.g., see element 24) slidably located within a lumen of the tubular body, an expandable member (e.g., a balloon) connected to the distal end of the tubular body, and a coil (e.g., see element 102) extending over the inner wire at a proximal end thereof.

Accordingly, Applicants submit that provisionally elected independent Claims 1 and 17 and provisionally elected dependent Claims 2, 4, 7-9, 18-19, 21 and 24 generically read on all four species Nos. 1-2, 6 and 7. Therefore, in view of the foregoing, Applicants respectfully request that the Examiner modify the requirement for election such that species Nos. 1-2, 6 and 7 are grouped together for examination, as provided for under 37 C.F.R. §1.141.

Amendments to Claims 4, 5 and 20

Claim 4 has been amended to depend on Claim 2 in order to provide proper antecedent basis for the term "proximal hypotube." Claim 5 has been amended to replace "hypotube" with "elongate tubular body" to provide proper antecedent basis. Claim 20 has been amended to provide proper antecedent basis for the term "gap."

Appl. No. : 09/976,679
Filed : October 12, 2001

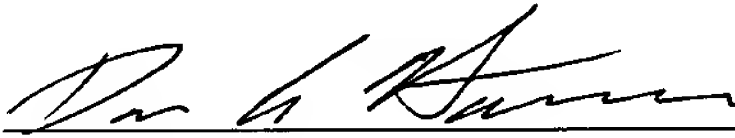
Status Identifiers

In the listing of the claims, provisionally elected Claims 1-2, 4, 7-9, 17-19, 21 and 24 are identified as "original," with the exception of Claim 4, which is identified as "currently amended" for the reason discussed above. The remaining non-elected claims are identified as "withdrawn." Please note the Claims 25 and 26 were previously withdrawn in the response to the Restriction Requirement mailed on May 20, 2003.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 8, 2003

By: 

David L. Hauser
Registration No. 42,643
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, California 92614
(949) 721-7624

\\DOCS-OC\FILES\DOCS\DLH\PERCUSURGE\141\141A_RR.DOC
100203